

YOUTH SERVICES POLICY

Title: Searches of Youth Next Annual Review Date: 11/19/2014	Type: C. Field Operations Sub Type: 2. Security Number: C.2.3
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References: U.S. Constitution 4th and 14th Amendments; Louisiana Constitution, Article 1, Section 5; La.R.S. 14:402; Bell v. Wolfish, 441 U.S. 520 (1979); Woodfox v. Phelps, No. 209,535 "H", 19th JDC (1978); and Thorne v. Jones, 765 F.2d 1270 (5th Cir., 1985); U.S. DOJ PREA Standard 115.315; ACA Standards 2-CO-3A-01, 2-CO-3C-01 Administration of Correctional Agencies), 4-JCF-2A-20, 4-JCF-2A-22 (Performance-Based Standards for Juvenile Correctional Facilities); YS Policy Nos. B.2.20 "Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Intersex, Questioning (LGBTIQ), and Nonconforming Youth", C.1.3 "Crimes Committed on the Grounds of Youth Services Facilities / Office Buildings and / or Properties", C.2.22 "Contraband Control – Secure Care Facilities, and C.4.6 "Securing Physical Evidence / Crime Scene	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 11/19/2013

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the procedures for conducting searches of youth at a YS secure care facility.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, Regional Directors, and Facility Directors.

Facility Director's are responsible for ensuring that all necessary procedures are in place to comply with this policy and for advising all affected persons of its content.

IV. DEFINITIONS:

For purposes of this policy the following definitions shall be applicable:

Contraband - Any item(s) introduced or found on facility grounds, including any improperly possessed drugs (whether illegal or legal), and weapons that are expressly prohibited by applicable statutes and YS policies, specifically identified as contraband items.

Contraband includes, but is not limited to, the following:

- A substance or device defined in the uniform Controlled Dangerous Substance statute La. R.S. 14:402.D.1;
- Weapons or other instrumentalities which could be used as a dangerous weapon or plans to manufacture such ,or to aid an escape;
- Unauthorized explosives or combustibles;
- Alcoholic or other beverages producing an intoxicating effect;
- Aerosol products producing an intoxicating effect;
- Glass containers;
- Stolen property;
- Currency or coin;
- Unauthorized articles of food, clothing or toiletries;
- Unauthorized telecommunications equipment, including, but not limited to, cellular phones, beepers, or global positioning equipment;
- Unauthorized tape recorders, cameras and camcorders;
- Unauthorized electronics such as laptop computers, tablets or thumb drives;
- Any unauthorized movies, music videos, CDs, DVDs, cassette tapes, VHS tapes, or other devices containing recorded music, images, or other video; and
- Nude photographs/pornography/pornographic literature.

Exigent Circumstances – For purposes of this policy, allowing a change in procedure for temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility, until established procedures are returned to.

General Search - A search whereby a person is required to remove his clothing down to their underwear, in order that the clothing may be inspected for contraband and his person observed.

Gender Nonconforming – A person whose appearance or manner does not conform to traditional societal gender expectations.

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Intersex – A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Pat-Down Search - Running of hands over a fully-clothed person, conducted by a member of the same sex, for the purpose of discovering contraband.

Probable Cause – For the purposes of this policy, probable cause is articulable knowledge supported by reasonable suspicion that contraband is being secreted. Probable cause exists when facts and circumstances within the employee's knowledge and about which he has reasonable, trustworthy information are sufficient to support a reasonable belief that contraband may be found at the place or on the person to be searched.

Property Searches - Searches of any and all property including but not limited to, clothing, lockers, rooms, beds, laundry bags, assigned work equipment, and work areas.

Reasonable Suspicion - Suspicion supported by facts, information, tips, and/or circumstances which lead an employee of ordinary caution to believe that a youth is secreting contraband in or on his body or elsewhere in his area of immediate control. Factors to consider in determining reasonable suspicion include the following:

1. Nature of the tip or other information;
2. Reliability of the information;
3. Degree of corroboration of tip or other information; and
4. Other facts contributing to suspicion or lack thereof.

Search Equipment - Search equipment authorized for use is hand-held transfriskers, ground metal detectors, walk-thru metal detectors and mirrors.

Strip Search - A visual search of a youth's nude body in a place out of the view of other persons. The youth shall be required to bend over, squat, turn around, raise his arms, cough, and/or lift the genitals. The youth's clothes shall be thoroughly searched prior to being returned to the youth.

Transgender – A person whose gender identity (their understanding of themselves as male or female) does not correspond with their birth sex.

Unusual Occurrence Report (UOR) - A form/document that must be completed by staff to report incidents or observations of events that may have an impact on any aspect of the agency. UOR forms shall be made available to all employees, working in all areas at all times. Employees must complete and submit a UOR prior to the end of their tour of duty on the day the incident was observed or comes to the employee's attention in any way.

IV. POLICY:

The United States and Louisiana Constitutions prohibit unreasonable searches. However, the safe operation of all facilities, and the safety and welfare of all staff, visitors and youth at those facilities, require that contraband be controlled and eliminated on facility grounds and among the youth population.

Therefore, it is the Deputy Secretary's policy that frequent unannounced searches of youth and/or their living areas to which they have access, shall be conducted as often as necessary to ensure safety and security.

Searches shall be conducted in a professional manner that avoids unnecessary force and supports the dignity of the youth while still accomplishing the objectives of the search.

Instructions on how to file complaints must be readily available to youth, and shall include instructions on how to access the IS Hotline.

VI. SEARCHES:

A. Property Search:

Property searches may be conducted of any youth's property at any time.

B. Same Gender Pat-Down Search

Running of hands over a fully clothed person, conducted by a member of the same sex, for the purposes of discovering contraband.

Pat-down searches by staff of the same gender as the youth may be conducted at any time in conjunction with a property search.

The youth being searched shall be required to:

1. Empty his pockets or any other thing where items may be stored or carried in order that they can be searched for contraband.
2. Remove all outerwear, (coats, jackets, hats, caps, gloves, shoes, socks, etc.) in order that these items may be searched. He shall not be required to remove articles of clothing which are his basic dress (i.e. shirts, pants).
3. Run his hands through his hair.

4. Turn his pant pockets inside out.
5. Open his mouth for inspection.

The person conducting the search shall use his hands to touch the youth being searched through his clothes in such a manner to determine if something is being concealed. If the person conducting the search discovers an unusual lump or bulge, etc. he shall order the youth to disclose the source of the unusual lump.

C. Cross-Gender Pat-Down Search

Cross-gender pat-down searches are prohibited unless exigent circumstances are present, and shall be justified and documented on an Unusual Occurrence Report (UOR) when they occur.

D. General Search

General searches may be conducted of any youth at any time.

A routine search of one or more individual youth or a large group of youth such as an entire dormitory. Both person and property may be searched. During a general search, youth may be required to remove clothing down to their underwear in order that the clothing may be searched and the youth's person visually observed. This may take place *en masse*, in the presence of other youth.

Youth who claim that they are not wearing underwear shall be required to remove their clothing regardless.

E. Same Gender Strip Search

A same gender strip search shall be conducted routinely under the following circumstances.

1. When a youth is entering or leaving the facility. For instance, when a youth is called for a court appearance, hospital trip, work detail, escorted absence with family, furloughs, etc.
2. Following a physical contact visit between the youth and visiting relatives, friends or attorneys.
3. When a youth is entering or leaving the Behavior Management Unit (BMU) (Cypress or Victory)

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With the exception of numbers 1. – 3. above, strip searches shall not be conducted without prior approval by the Facility Director. Justification for reasonable suspicion that a youth is in possession of contraband must be provided at the time of the request, and shall be documented on a UOR.

All strip searches shall be conducted in a place out of the view of other persons. Strip searches shall be conducted by one (1) staff member and witnessed by one (1) additional staff member. Two (2) staff members must be present at all times during the search.

Strip searches must be documented in the post, shift log or shakedown report. Documentation shall indicate the circumstances giving rise to the search (e.g., routine or other) and results of the search. In the event contraband is found, a UOR shall be completed by the employee conducting the search.

F. Cross-Gender Strip Search

Cross-gender strip searches are prohibited except in exigent circumstances.

Pursuant to YS Policy Nos. B.2.20 and C.2.11, when cross-gender strip searches, visual body cavity searches and pat-down searches occur; they must be justified and documented on a UOR by the employee conducting the search, and a witness to the search.

G. Lesbian, Gay, Bisexual or Transgender, Intersex, Questioning (LGBTIQ) or Non-Conforming Youth Physical / Strip Searches

Physical searches of LGTBIQ or gender non-conforming youth shall be performed in a professional manner that is not humiliating or degrading, and shall not be conducted for the sole purpose of viewing a youth's body. That information shall be gained as part of a broader medical examination conducted in private by a medical staff member.

Youth confirmed as transgender by the CHP may request that either a male or female staff member conduct a strip search, if such search is required. The facility shall accommodate this request when possible and consistent with maintaining the security of the facility.

Pursuant to YS Policy Nos. B.2.20 and C.2.11, when LGBTIQ or non-conforming youth searches occur, they must be justified and documented on a UOR by the employee conducting the search, and a witness to the search.

VII. SEARCHES BY NARCOTIC DOGS:

Searches of youth's property by trained narcotic dogs may be conducted at any time. At no time shall a youth's body be subjected to a K-9 search.

Only those narcotic dogs certified by a nationally recognized certifying agency may be used to conduct searches of property for the presence of drugs. Nationally recognized organizations include the "National Police Canine Association", "United States Police Canine Association" and "National Narcotics Detector Dog Association".

The Facility Director, appropriate Regional Director, or Investigative Services staff requesting narcotic dog services shall ensure the dog(s) have current certifications at the time of the request.

VIII. DISPOSAL OF CONTRABAND:

- A. ALL contraband items shall be evidenced pursuant to the procedures established in YS Policy No. C.4.6, and shall be managed by the IS Office located on the facility grounds or the Director of IS until completion of the investigation or possible litigation.
- B. Following the completed investigation/litigation, contraband shall be disposed of in the following manner with documentation of the method of disposal:
 - 1. Items may be donated to a charitable organization;
 - 2. Items of little or no value may be destroyed;
 - 3. Cash shall be disposed of in accordance with La.R.S. 14:402(F); or

IX. STAFF DEVELOPMENT:

Facility Directors shall ensure the following:

- A. All current employees receive training relative to the contents of this policy upon approval;
- B. All new employees receive this training during orientation, in-service training, or other designated time. New employees must have completed training prior to conducting a youth search of any type.
- C. This policy shall be part of the annual in-service training curriculums.

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- D. All training shall be documented and entered into the "Training Records Entry Completed" (TREC) database at the Unit level.

Previous Regulation/Policy Number: C.2.3

Previous Effective Date: 05/29/2009



Attachments/References: C.2.3 (a) Search Report Nov2013.doc